

Notice of Allowability

Application No.

10/697,193

Examiner

Frederick C. Nicolas

Applicant(s)

ACUM ET AL.

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 9/6/2005.
2. ☒ The allowed claim(s) is/are 1-7 and 14-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11/15/2005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>9/6/2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicants' attorney Mr. C. Richard Eby on 11/15/2005.

The application has been amended as follows:

IN THE CLAIMS:

Claim 7, line 16, after "nozzle", --extending beyond other structure of the applicator-- has been inserted; line 23, after "nozzle", --, the tubular cap-- has been inserted; line 25, "extending beyond the distal end of the nozzle, the distal end" has been deleted.

Claim 26, line 2, after "having", --a body with-- has been inserted; line 5, "an air cap comprising:" has been deleted, and --a tubular air cap-- has been inserted; line 6, "a tubular body" has been deleted.

Allowable Subject Matter

2. Claims 1-7, 14-40 are allowed.

3. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious an applicator for dispensing a coating material onto a substrate in combination with the other claimed limitations of claim 1:

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“a cap disposed around the nozzle comprising a proximal end removably mounted to the body, and the distal end of the nozzle extending beyond a distal end of the cap.”

The prior art fails to disclose or render obvious an applicator for dispensing a coating material onto a substrate in combination with the other claimed limitations of claim 7:

“a taper at the distal end of the nozzle extending beyond other structure of the applicator; the tubular cap comprising a proximal end removably mounted to the body, and a distal end of the cap comprising a conical outer surface substantially conforming to the taper of the distal end of the nozzle, the cap forming with the extension and the nozzle a fluid path contiguous with the fluid passage, the fluid path having a fluid outlet at the distal end of the cap.”

The prior art fails to disclose or render obvious an applicator for dispensing a coating material onto a substrate in combination with the other claimed limitations of claim 14:

“an upper alignment guide disposed in the fluid path near the proximal ends of the extension and the cap, the upper alignment guide coaxially aligning the proximal ends of the extension and the cap; and a lower alignment guide disposed in the fluid path near the distal ends of the extension and the cap, the lower alignment guide coaxially aligning the distal ends of the extension and the cap.”

The prior art fails to disclose or render obvious an applicator for dispensing a coating material onto a substrate in combination with the other claimed limitations of claim 23:

“a proximal end removably mounted to the body, upper splines extending inward from an inner surface at the proximal end of the cap, the upper splines coaxially aligning the respective proximal ends of the extension and the cap, a distal end, the distal end of the cap being coaxially aligned with the distal end of the extension by the lower.”

The prior art fails to disclose or render obvious an applicator for dispensing a coating material onto a substrate in combination with the other claimed limitations of claim 26:

“a tubular air cap disposed around the nozzle and comprising an inner surface, a proximal end removably mountable to the body, an alignment guide disposed on the inner surface at the proximal end of the cap for coaxially aligning the cap with the body.”

The prior art fails to disclose or render obvious an applicator for dispensing a coating material onto a substrate in combination with the other claimed limitations of claim 31:

“a tubular extension comprising a proximal end adapted to be removably mounted to the body, a distal end, and an alignment guide disposed at the distal end of the extension and adapted to coaxially align the extension with the cap.”

Further, the prior art fails to disclose or render obvious an applicator for dispensing a coating material onto a substrate in combination with the other claimed limitations of claim 38:

"a cap disposed around the nozzle comprising a proximal end removably mounted to the body, a distal end comprising tapered inner and outer surfaces forming a conical cross-sectional profile substantially conforming with the tapered distal end of the nozzle."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar, can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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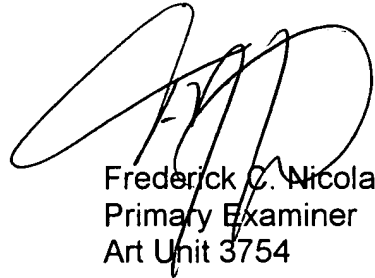
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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN

November 15, 2005



11/10/05

Frederick C. Nicolas
Primary Examiner
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